

SMALL PASSENGER VESSEL INFORMATION PACKAGE

Section H - Drug Testing:

- Required Elements of Drug Testing
- Tests Required by Regulations
- Ensuring Your Program is in Compliance

As of December 21, 1990 Federal Regulations require that you have a drug-testing program in force. This guide is provided to assist with the development of a program that meets federal requirements.

Required Elements of a Drug Testing Program

Element Required	<p>Every drug test program must consist of the following elements.</p> <ul style="list-style-type: none"> • Use of a Federally Certified Testing Laboratory • Use of an approved Collection Site • Have a Medical Review Officer • Provide Training & Education
Certified Lab	<p>Ref: 49 CFR 40</p> <p>The <i>Lab</i> performs the tests on specimen collected for the following drugs:</p> <ul style="list-style-type: none"> • Marijuana • Cocaine • Opiates • Phencyclidine (PCP) • Amphetamines <p>The lab you select must be certified by the Department of Health and Human Services (DHHS). The current list of laboratories which meet minimum standards to engage in urine drug testing for federal agencies may be found on the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) website at http://workplace.samhsa.gov/ResourceCenter/lablist.htm.</p>
Collection Site	<p>Ref: 46 CFR 4.06-20, 46 CFR 16.301-330, 49 CFR 40</p> <p>The <i>Collection Site</i> is the place where the specimen is collected. Note some certified labs have designated which sites and persons they will allow to collect and maintain the required security and chain of custody.</p>

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	<p>The regulations are very specific in how specimens are collected, and how specimen containers are sealed and transported. A chain of custody must be maintained from the time of acceptance of the specimen to its testing.</p> <p>We recommend that you contact several different labs listed to determine which has collection sites nearest you and which provide the service you desire.</p>
Medical Review Officer	<p>Ref: 46 CFR 16.370, 49 CFR 40</p> <p><i>A Medical Review Officer (MRO) must review drug test results, relay findings to the employer, and is authorized to notify the Coast Guard of positive test results.</i></p> <p>The MRO must be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test results together with his or her medical history and any other relevant biomedical information.</p> <p>Before an individual who has failed a required test may return to work, the Medical Review Officer shall determine that the individual is drug free and the risk of subsequent use of dangerous drugs by the person is sufficiently low to justify his or her returning to work. In addition the individual shall agree to be subjected to increased unannounced testing for a period as determined by the Medical Review Officer for a period of up to 60 months.</p>
Education and Training	<p>Ref: 46 CFR 16.401</p> <p>Education Education is accomplished by the posting and distribution of the following:</p> <ul style="list-style-type: none"> • Informational materials concerning substance abuse • Community service hotline for crewmember assistance • Employers policy regarding drug and alcohol use in the workplace <p>Training <i>(for employers, crewmembers and supervisory personnel)</i></p> <ul style="list-style-type: none"> • Training should include operation and requirements of the drug testing program and effects and consequences of drug use. • Minimum of 60 minutes for employers and supervisory personnel, which includes behavioral cues for detection of drug use.

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Tests Required by the Regulations

Introduction	<p>You must ensure that your drug-testing program provides for the following tests and have proof that the tests were accomplished.</p> <ul style="list-style-type: none"> • Pre-employment Testing • Random Testing • Periodic Testing • Post Casualty Testing • Testing for Reasonable Cause
Who Must Be Tested	<p>Any employee who is required aboard the vessel as prescribed by the Certificate of Inspection (COI) is required to be tested.</p> <p>Examples of employees required to be tested.</p> <ul style="list-style-type: none"> • Master, Operator • Navigator • Lookout • Deckhand who handles lines <p>Examples of employees that may <u>not</u> require testing.</p> <ul style="list-style-type: none"> • Cook * • Waiter, waitress * • Dishwasher * • Fish handler or cleaner * <p><i>* If any of the above also fills a position required by the COI or if they perform duties of deckhand, patrolman, watchman, or are specifically assigned the duties of warning, mustering, assembling, assisting or controlling movement of passengers during emergencies, they are required to be tested.</i></p>
Records	<p>Records must be maintained and made available to the Coast Guard for inspection. Records shall list the date each of the following were accomplished:</p> <ul style="list-style-type: none"> • Drug and Alcohol Testing History Request completed • Pre-employment tests • Periodic tests • Random tests • Post Casualty test • Testing for reasonable cause • When training was accomplished/who attended <p><u>Negative</u> test results must be kept for <u>1 year</u>.</p> <p><u>Positive</u> test results must be kept on file for <u>5 years</u>.</p>

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Pre-employment Test	<p>Ref: 46 CFR 16.210</p> <p>You must provide proof that employees hired after December 21st 1990 have passed a pre-employment drug-screening test.</p> <p>You may also use a drug-screening test that was accomplished for another company, if done within 6 months of your hiring of the individual. You may also use a periodic test if completed within six months of your hiring the individual.</p>
Random Testing	<p>Ref: 46 CFR 16.230</p> <p>Random testing was required as of 1 October 1991 for all crewmembers. Random means that every crewmember of a given population has a substantially equal chance of selection. This chance of selection shall be such that an employee's chance of selection continues throughout his or her employment.</p> <p>You must ensure that crewmembers are tested on a random basis at an annual rate of not less than 50 percent.</p> <p>Example:</p> <p><i>An employer with over ten employees could assign each employee with a number 1 thru 10. Then 5 times during the year all 10 numbers would be placed in a hat and 1 number drawn. Those with that number would take the test.</i></p>
Periodic Test	<p>Ref: 46 CFR 16.220</p> <p>A periodic test is required when an employee holding a Coast Guard license or document applies for renewal.</p> <p>This testing requirement does not apply to employees such as deckhands who do not possess a license or document.</p>
Post Casualty Testing	<p>Ref: 46 CFR 4.06</p> <p>The employer must be prepared to test all crewmembers engaged or employed aboard a vessel involved in a serious marine incident within 24 hours of the incident.</p> <p>Testing for both drugs and alcohol is required and must include a urine specimen and a blood or breath specimen.</p>

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	If the vessel has a route that would keep it from returning to its collection site within 24 hours, required equipment and specimen containers must be kept aboard the vessel.
Reasonable Cause Test	Ref: 46 CFR 16.250 The employer shall require any crewmember engaged or employed aboard his vessel to submit to drug testing. The decision must be based on a reasonable and articulable belief based on direct observation of behavioral, physical, or performance indicators.
Serious Marine Incident	A serious marine incident is defined as an incident that results in: <ul style="list-style-type: none"> • death. • injury beyond first aid or not fit for duty. • \$100,000 or more in damage. • loss of an inspected vessel. • discharge of more than 10,000 gallons of oil. • discharge of a reportable quantity of hazardous material.

Ensuring Your Program is in Compliance

Introduction	During your annual inspection a Coast Guard Marine Inspector will ask you about your drug-testing program. The following checklist can be used to ensure that your program meets federal requirements and prepare you to answer the Inspectors questions regarding your program.
Checklist	The above checklist is similar to the one carried by Coast Guard Marine Inspectors to check operators for compliance with federal regulations.
Failure to Comply	Failure to comply with the Drug Testing Requirements can be cause for loss of your COI. If you have any questions contact the MSO Tampa Investigations Department at (813) 228-2193 ext. 150.

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